HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A.No.1503 of 2004

Between

The Chairman, State Bank of India, Bombay and others ..Appellants

AND

A.Sadasiva Rao ..Respondent

:: JUDGMENT ::

Counsel for the appellants	Ms.V.Uma Devi for Sri K.Srinivasa Murthy
Counsel for respondent	Sri Srinivas Emani

11.12.2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 6.7.2004 passed by the learned Single Judge whereby he partly allowed the writ petition filed by the

respondent in the following terms:

> "Accordingly, the writ petition is partly allowed treating the period of suspension as spent on duty for the purpose of salary, allowances, increments, pension etc. As the stoppage of increments by the reviewing authority did not indicate the period, it is just and proper to impose the punishment of deferring the increments by two stages for a period of two years. No costs."

A perusal of the record shows that while he was working as Deputy Manager in State Bank of India in Secunderabad, the respondent was placed under suspension vide order dated 26.4.1982. After one year and over three months, he was reinstated with effect from 4.8.1983. In the meanwhile, a regular departmental enquiry was held against the respondent under the State Bank of India (Supervising Staff) Service Rules (for short 'the Rules') on various charges. The enquiry officer submitted report with the finding that some of the charges have been proved, while others are not proved. The disciplinary authority accepted the findings of the enquiry officer in respect of allegations No. I (a), I (b), II (a), II (b) and III, but disagreed with him in regard to allegation No.I (c), which the former had found as not proved. By an order dated 16.3.1984, the disciplinary authority imposed punishment of reduction of pay by three stages in the time scale on the respondent. The disciplinary authority also ordered that he shall not be entitled to anything over and above the subsistence allowance already paid during the period of suspension and the same shall not be treated as spent on duty. The appellate authority confirmed the order of punishment, but the reviewing authority modified the same to the reduction of pay by two stages in the time scale.

The respondent challenged the orders passed by the disciplinary, appellate and reviewing authorities in Writ Petition No. 565 of 1994, which was partly allowed by the learned Single Judge.

Ms. V. Uma Devi, learned counsel for the appellants argued that even if the learned Single Judge felt that the suspension was unjustified, the matter ought to have been remitted to the competent authority for re-consideration in

the light of the provisions contained in Rule 50 A (8) of the Rules. She then stated that in the peculiar facts and circumstances of this case, the appellants are ready and willing to review the matter relating to treatment to be meted out to the period during which the respondent was kept under suspension.

Learned counsel for the respondent submitted that the suggestion made by Ms.Uma Devi, learned counsel for the appellants will meet the ends of justice.

In view of the above, we do not consider it necessary to adjudicate on the merits of the appellants' challenge to the order of the learned Single Judge and dispose of the appeal with the following directions:

(i) The reviewing authority of the Bank shall reconsider the issue of treatment to be meted out to the period during which the respondent remained under suspension and pass appropriate orders within a period of two months from today and communicate the same to the respondent.

(ii) If the reviewing authority comes to the conclusion that the suspension of the respondent was unjustified, then consequential direction for payment of the salary and allowances and counting of that period as duty for the purpose of grant of service benefits including the increments, shall be passed.

(iii) If, on the other hand, the order to be passed by the reviewing authority is adverse to the respondent, then he shall be free to avail appropriate legal remedy.

While disposing of the appeal in the manner indicated above, we give liberty to the respondent to make representation to the competent authority of the Bank for payment of other dues, which may not have been paid to him so far and hope that such representation will be decided as early as possible.

As a sequel to the above order, the order impugned in the appeal shall stand modified.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

11-12-2006
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